

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

ASHRAF AL SAFOO,
a/k/a Abu Al'-Abbas Al-Iraqi,
a/k/a Abu Shanab,
a/k/a Abbusi

Case No. 18 CR 696

Judge John Robert Blakey

PROTECTIVE ORDER

This matter is before the Court on the Government's Fifth Classified *Ex Parte*, *In Camera* Motion for an Order Pursuant to Section 4 of the Classified Information Procedures Act and Rule 16(d)(1) of the Federal Rules of Criminal Procedure ("government's Motion"). By its Motion, the government requested that the Court, pursuant to CIPA § 4, Fed. R. Crim. P. 16(d)(1), and the applicable law: (1) conduct an *ex parte*, *in camera* review of the government's submission; (2) authorize the government to delete from discovery information which is not relevant and helpful to the defense; and (3) order that the entire text of the government's motion and accompanying exhibits shall not be disclosed to the defense and shall be sealed and preserved in the records of the Court to be made available for all future review of these proceedings.

The Court has carefully considered the government's discovery obligations, including, but not limited to, its obligations pursuant to the Federal Rules of Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and their progeny. Having carefully considered the government's discovery obligations and the government's Motion and the declarations filed

therewith, the Court **GRANTS** the government's Motion.

The Court finds that the government's Motion was properly filed *ex parte, in camera* for this Court's review, pursuant to CIPA § 4 and Fed. R. Crim. P. 16(d)(1). The Court has conducted an *ex parte, in camera* review of the government's classified Motion and classified declaration of a United States government official, and certain documents attached to the government's Motion.

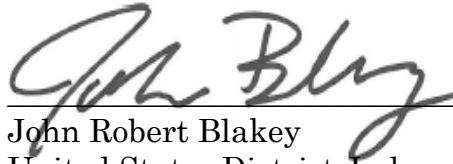
On the basis of the Court's independent review of the information and the arguments set forth in the government's Motion, the Court finds that the classified information referenced therein implicates the government's national security and classified information privilege because the information is properly classified, and its disclosure could cause serious damage to the national security of the United States.

Accordingly, **IT IS ORDERED** that the government is authorized to withhold from discovery to the defense the classified information outlined in the government's Motion as specified in the Classified Order.

IT IS FURTHER ORDERED that the government's Motion and accompanying declaration shall not be disclosed to the defense and shall be sealed and maintained in a facility appropriate for the storage of such classified information by the Court Security Officer as the designee of the Clerk of Court, in accordance with established security procedures, for any future review, until further order of this Court.

Dated: November 16, 2021

Entered:

A handwritten signature in black ink, appearing to read "John Blakey", written over a horizontal line.

John Robert Blakey
United States District Judge